## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

WALTER PETTAWAY,	)	
Plaintiff,	)	
v.	)	CASE NO. 2:19cv8-GMB
NICHOLAS D. BARBER, et al.,	)	[wo]
Defendants.	)	

## **ORDER**

This cause is before the court on a Motion to Dismiss for Failure to State a Claim, filed by the City of Montgomery and Ernest N. Finley, Jr. Doc. 7. Subsequent to the filing of the motion, with leave of court, the Plaintiff filed a First Amended Complaint which omits the City of Montgomery and Ernest N. Finley, Jr. as defendants. Doc. 21. With the plaintiff no longer stating claims against these defendants, it is ORDERED that the Motion to Dismiss (Doc. 7) is DENIED as moot.

DONE this 11th day of April, 2019.

GRAY M. BORDEN

UNITED STATES MAGISTRATE JUDGE